UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

_ Y

JUDITH H. WEISS,

Plaintiff,

against,

FRANCES M. CREEM and BETTY M. OLSON,

Defendants.

X

DATED: January 21, 2008

Poughkeepsie, New York 2:20 p.m. - 3:00 p.m.

Patrick M. DeGiorgio, Reporter

DEPOSITION

OF

KRISTOFER BARNHART

(A Non-Party Witness)

MARY T. BABIARZ COURT REPORTING SERVICE, INC. (845) 471-2511

1		BARNHART	8
2	Α.	No.	
3	Q.	I notice you brought a copy of a police	
4		accident report. Have you had a chance to	
5		take a look at that before coming here	
6		today?	
7	Α.	Yes.	
8	Q.	Is that a two-page document?	
9	Α.	Yes.	
10	Q.	For Identification purposes today that's	
11		been marked as Defendant's Exhibit B. I'll	
12		have you take a look at both of those	
13		documents in a second, but before I have you	
14		do that, do you have an independent	
15		recollection of an accident which occurred	
16		on Route 32 north on September 18th, 2006 in	
17		the Town of Rosendale?	
18	Α.	Yes.	
19	Q.	Can you tell me, sir, what your independent	
20		recollection is about that accident?	
21	Α.	There was construction in the area, I don't	
22		remember what for. I got called for an	
23		accident, a woman came down and struck a	
24		vehicle that was stopped due to the	
25		construction zone. That was about it.	

1		BARNHART	11
2	Q.	From looking at the report, can you tell	
3		what the colors of those cars were?	
4	Α.	No. It's not on here, no.	
5	Q.	Does that refresh your recollection as to	
6		what the colors of the car were?	
7	Α.	No. It was too long ago.	
8	Q.	When you arrived at the scene, can you tell	
9		me the relevant positions of the cars?	
10	Α.	There were they were in the northbound	
11		lane then, right in the lane itself.	
12	Q.	The northbound lane of Route 32 in the area	
13		of the accident, is that one lane, two lanes	
14		or something else?	
15	Α.	One lane.	
16	Q.	How about in the southbound direction of	
17		that location, one lane, two lanes or	
18		something else?	
19	Α.	Two lanes.	
20	Q.	Do you recall the weather that day?	
21	Α.	Just clear. There was nothing, no snow or	
22		anything like that, no rain.	
23	Q.	Do you know if the weather was a factor in	
24		the accident at all?	
25	Α.	No, it was not.	

3

1		BARNHART	13
2		in one vehicle and one person in the other?	
3	Α.	Yes.	
4	Q.	Do you recall which had which?	
5	Α.	I'd have to look at the report. Frances	
6		Creem in one vehicle and Betty Olson and	
7		Judith was Weiss in the second vehicle.	
8	Q.	Who was driving in the Olson/Weiss vehicle?	
9	Α.	Olson.	
10	Q.	Can you describe Miss Olson?	
11	Α.	No. It was too long ago.	
12	Q.	Can you describe Miss Weiss?	
13	Α.	Too long ago.	
14	Q.	How about Miss Creem, can you describe her?	
15	Α.	Too long ago.	
16	Q.	Do you recall having a conversation with	
17		Miss Creem about how the accident took	
18		place?	
19	Α.	Could I look at the report?	
20	Q.	Sure.	
21	Α.	Vaguely I remember her telling me about the	
22		brakes not working properly.	
23	Q.	Do you know if that came from Miss Creem or	
24	=	some other source?	
25	Α.	I believe Miss Creem.	

1		BARNHART	32
2	Α.	We can print out and exchange information	
3		for the drivers, but you have to bring it	
4		back to the station to get it approved by	
5		the supervisor.	
6	Q.	All the information that is on B was	
7		generated at the scene?	
8	Α.	Yes.	
9	Q.	The second page, diagram on the exhibit,	
10		Exhibit B, that's put down to your	
11		description of the actual accident, not	
12		where you found the vehicles when you	
13		arrived; correct?	
14	Α.	Yes. That would be the description that	
15		they gave me of what happened, I put it on	
16		the diagram.	
17	Q.	You indicated that there are boxes to	
18		indicate causative factors on the report,	
19		Exhibit B; correct, but you just don't know	
20		which you don't have the code for the	
21		causing factors with you today?	
22	Α.	Correct.	
23	Q.	Do you recall which boxes on the report are	
24		causative factors and for which vehicle?	
25	Α.	It would be up on the right hand side up	
	I		

1		BARNHART	33
2		here somewhere.	
3	Q.	That would be the one 19, 20, 21 and 22?	
4	Α.	Yes. Somewhere in there is the I'm not	
5		positive exactly which one it is.	
6	Q.	So whatever 42 is, you put down 42, that	
7		would correspond to a causative factor, on	
8		box number 19 on the right-hand side?	
9	Α.	If 19 is that corresponding box. It's one	
10		of these here. I'm not positive which one.	
11		MR. KONDULIS:	
12		I have no further questions.	
13		MR. O'SHAUGHNESSY:	
14		I have one follow-up.	
15	CONTIN	UED EXAMINATION BY MR. O'SHAUGHNESSY:	
16	Q.	As part and parcel of your investigation of	
17		an accident scene, would you also look to	
18		examine whether a vehicle had a proper	
19		inspection?	
20	Α.	Yes.	
21	Q.	Would you also look to see if a car had a	
22		proper registration?	
23	Α.	Yes.	
24	Q.	And a valid license?	
25	Α.	Yes.	

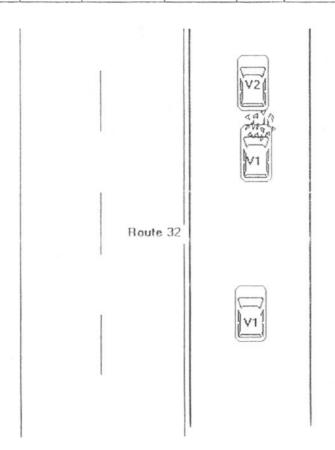
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Local Codes 06-1166 6SRPD4000047 POLICE ACCIDENT REPORT

AMENDED REPORT

1	Accident Da	ate		Day of Week	Military Time	No. of	No Injured	No. Killed	Not Investigated at Scene	П	Left Scene	Police Photos	
	Month 9	Day 18	Year 2006	Monday	15:00	Vehicles 2	3	_	Accident Reconstructed			□Yes □No	



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